

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37565 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -SARAIYA District- MUZAFFARPUR

Raj Nath Rai Son of Dhani Rai Resident of Village: Bhikhanpur PS. Paroo,
District Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.40372 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -SARAIYA District- MUZAFFARPUR

Daroga Mahto son of Late Bangali Mahto, resident of village - Kubouli,
Police Station - Paru, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :
(In Cr.Misc. No.37565 of 2016)

For the Petitioner/s : Mr. Arvind Kumar, Adv.
Mr. Yugal Kishore, Adv.
For the State : Mr. Ram Bilash Roy Raman, A.P.P.
For the Informant Mr. Ranjan Kr. Adv.

(In Cr.Misc. No.40372 of 2016)
For the Petitioner/s : Mr. Shashi Shekhar Tiwary
For the State : Mr. Gopesh Kumar, A.P.P.
For the Informant Mr. Ranjan Kr. Adv.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

petitioner in Cr. Misc. No. 40372 of 2016.

Both the above stated petitions have arisen out of Saraiya P.S. Case No. 84 of 2016 registered for the offences punishable under Section 302 and other allied sections of the Indian Penal Code as well as Section 27 of the Arms Act and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsels for the petitioners, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Petitioner in Cr. Misc. No. 40372 of 2016 is named in the first information report and the informant made general allegation of firing and claimed to have seen the petitioner and two others fleeing from the place of occurrence. The informant admitted that land dispute was going on between petitioner in Cr. Misc. No. 40372 of 2016 as well as deceased. Subsequently, the statement of one injured, Mukesh Kumar was recorded by the police officials of Patrakar Nagar Police Station at Patna on 23.03.2016 and in the aforesaid statement, the aforesaid injured, Mukesh Kumar specifically stated that it was petitioner in Cr. Misc. No. 40372 of 2016 who shot fire on the deceased.

Learned counsel appearing for the petitioner in Cr. Misc. No. 40372 of 2016 submits that statement of aforesaid Mukesh Kumar was recorded by the investigating officer in course of investigation at para-32 of the case diary but in the aforesaid statement, the above stated witness has not made specific allegation of firing against the petitioner.

No doubt, the injured, Mukesh Kumar has not made such statement at para-32 of the case diary but the statement was recorded on 25.03.2016 and the statement of injured Mukesh Kumar was recorded by the police officials of Patrakar Nagar Police Station on 23.03.2016 i.e. just on the next day of the alleged occurrence.

So far as petitioner in Cr. Misc. No. 37565 of 2016 is concerned, he is not named in the first information report and except supervision note of Dy.S.P., there appears to be nothing against him.

Considering the aforesaid facts and circumstances as well as submissions of the parties, petitioner in Cr. Misc. No. 37565 of 2016, namely, Raj Nath Rai is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Manish Pandey, Judicial Magistrate 1st

Class, Muzaffarpur in connection with Saraiya P.S. Case No. 84 of 2016.

So far as petitioner in Cr. Misc. No. 40372 of 2016, namely, Daroga Mahto is concerned, his prayer for bail stands rejected.

(Hemant Kumar Srivastava, J)

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